

**CUSTOMER NO.: 24498**  
**Ser. No.10/534,964**  
**Office Action dated: 05/07/08**  
**Date of Response: 08/07/08**

**PATENT**  
**PU020462**

**Remarks/Arguments**

**35 U.S.C. §103**

Claims 1-6, 11-17, and 22-28, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Vanderable (U.S. Patent No. 6,204,761), in view of the Emergency Alert System (Self-Inspection Checklist for Broadcasters and Cable System Operators)("EAS").

The present invention, as recited by currently amended claim 1, describes a method for controlling an apparatus having an emergency alert function, comprising: automatically tuning a plurality of frequency channels associated with said emergency alert function to identify a first frequency channel having higher signal strength relative to said other frequency channels; using said first frequency channel to receive emergency alert signals capable of activating said emergency alert function; performing a test with said first frequency channel, wherein said test includes determining whether said first frequency channel receives emergency alert signals corresponding to a user selected location code associated with said emergency alert function within a predetermined time period; automatically tuning a plurality of frequency channels associated with said emergency alert function to identify a second frequency channel having second highest signal strength relative to said other frequency channels, in response determining said first frequency channel did not receive emergency alert signals corresponding to the user selected location code associated with said emergency alert function within a predetermined time period; using said second frequency channel to receive emergency alert signals capable of activating said emergency alert function; and performing a test with said second-frequency channel, wherein said test includes determining whether said second-frequency channel receives emergency alert signals corresponding to the user selected location code associated with said emergency alert function within a predetermined time period.

It is respectfully asserted that neither Vanderable nor EAS, alone or in combination, disclose a system where "automatically tuning a plurality of frequency channels associated with said emergency alert function to identify a second frequency channel having second highest signal strength relative to said other frequency channels, in response determining said first frequency channel did not receive emergency alert signals corresponding to the user selected location code associated with said emergency alert function within a predetermined time period" as described in currently amended claim 1.

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Vanderable teaches "a weather alert system to warn a user when an emergency signal has been broadcast and to simultaneously activate a television or other visual information source and to select a predetermined informational channel. The weather alert system includes a signal detector for detecting a broadcast alarm signal and for generating an activation signal upon detection of the alarm signal. A remote controller is operatively connected to the signal detector for producing a remote control signal in response to said activation signal. The remote control signal is utilized to trigger the activation of a visual information source such as a television or a computer to provide visual information relating to the hazardous condition." (Vanderable Abstract)

The Office Action asserts that Vanderable, "discloses automatically tuning a plurality of frequency channels associated with said emergency alert function to identify one of said frequency channels having higher signal strength relative to said other frequency channels (see Column 3, Lines 36-49). Vanderable also discloses using said identified frequency channel to receive emergency alert signals capable of activating said emergency alert function (see Column 3, Line 61 through Column 4, Lines 8). Vanderable also discloses performing a test with said identified frequency channel wherein said test includes determining whether said identified frequency channel receives a user selected location code associated with said emergency alert function (see Column 4, Lines 9-13)." (Office Action, pages 2-3)

The Office Action admits that Vanderable does not disclose performing a test within a predetermined time period. (Office Action, page 3) Vanderable also does not disclose a method of identifying if the selected frequency channel with the highest signal strength also receives emergency alerts for the user selected location, as is described in the present invention. Such a system is advantageous because a frequency channel with great signal strength is of little use if it does not transmit emergency alerts corresponding to the users selected location. Further, Vanderable does not even mention a method of identifying the emergency alert locations transmitted on a given frequency channel. Therefore, Vanderable fails to disclose a system where "automatically tuning a plurality of frequency channels associated with said emergency alert function to identify a second frequency channel having second highest signal strength relative to said other frequency channels, in response determining said first frequency channel did not receive emergency alert signals

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corresponding to the user selected location code associated with said emergency alert function within a predetermined time period” as described in currently amended claim 1.

The Office Action asserts that the “Emergency Alert System (EAS) reference teaches that required weekly tests are commonly performed by broadcasters and cable system operators (see item 2 at the bottom of Page 1). Therefore, teaching that a test to determine if location codes have been received can be performed within a predetermined time period.” (Office Action, page 3)

EAS does not disclose, nor does the Office Action assert is discloses, a method of identifying and tuning the strongest frequency channel, testing the channel to ensure that the channel contains alert messages that correspond to a user selected location, and, if the channel does not correspond to the user’s selected location, then testing the next strongest frequency channel. Therefore, EAS fails to disclose a system where “automatically tuning a plurality of frequency channels associated with said emergency alert function to identify a second frequency channel having second highest signal strength relative to said other frequency channels, in response determining said first frequency channel did not receive emergency alert signals corresponding to the user selected location code associated with said emergency alert function within a predetermined time period;” as described in currently amended claim 1.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Vanderable or EAS, alone or in combination, that makes the present invention as claimed in claim 1 unpatentable. It is further submitted that currently amended independent claims 11 and 22 are allowable for at least the same reasons that currently amended independent claim 1 is allowable. Since dependent claims 2-6, 12-17, and 23-28 are dependent from allowable independent claims 1, 11 and 22, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Claims 7-10, 18-21, and 29-32, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Vanderable (U.S. Patent No. 6,204,761), in view of the Emergency Alert System (Self-Inspection Checklist for Broadcasters and Cable System Operators), in further view of Gropper (U.S. Patent No. 6,323,767).

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Since claims 7-10, 18-21, and 29-32 are dependent from claims 1, 11 and 22, which are allowable for the reasons described above, it is respectfully asserted that they too are allowable for at least the same reasons.

Furthermore, Gropper does not disclose, nor does the Office Action assert that it discloses, a method of identifying if the selected frequency channel with the highest signal strength also receives emergency alerts for the user selected location. Therefore, Vanderable, EAS and Gropper, alone or in combination, fail to disclose a system where "automatically tuning a plurality of frequency channels associated with said emergency alert function to identify a second frequency channel having second highest signal strength relative to said other frequency channels, in response determining said first frequency channel did not receive emergency alert signals corresponding to the user selected location code associated with said emergency alert function within a predetermined time period;" as described in currently amended claim 1.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Vanderable, EAS and Gropper, alone or in combination, that makes the present invention as claimed in claims 7-10, 18-21, and 29-32 unpatentable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

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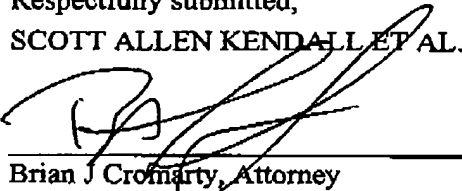
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Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' representative at (609) 734-6804, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,  
SCOTT ALLEN KENDALL ET AL.

By:

  
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August 7, 2008